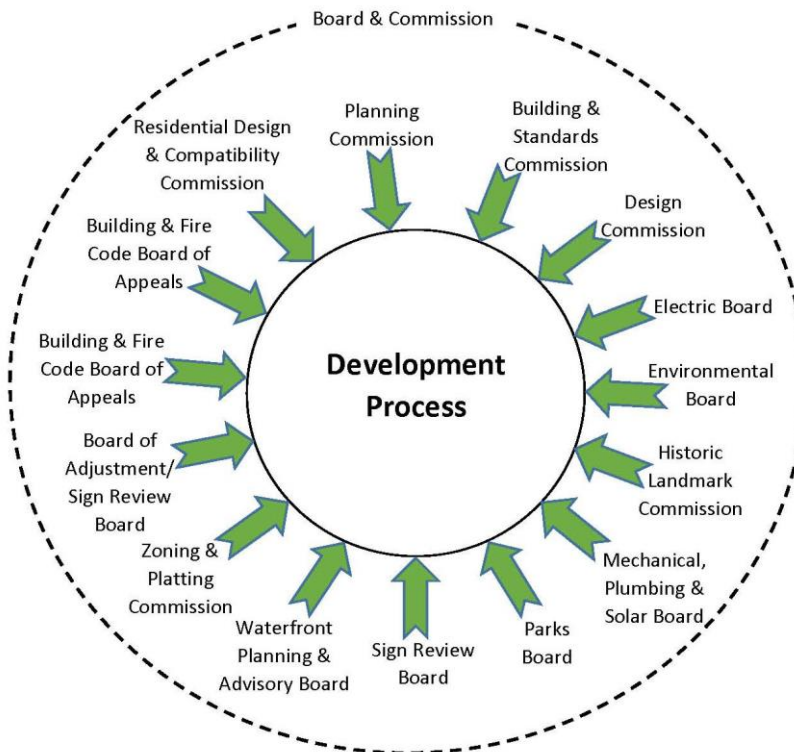


# I. BOARDS AND COMMISSIONS

## A. PROFILE

PDRD provides support to ten boards and commissions as well as certain City Council committees and Board or Commission ~~appointed~~ subcommittees. Best practices communities have tended to reduce the number of boards and commissions but the opposite approach has been used in Austin. Figure \_\_ illustrates the numbers boards and commissions in Austin during the work on this study. However, in preparation for the new City Council some of these appear to be changing. One change that will evidently be made is referring to these groups as Commissions rather some as Boards and others as Commissions. We are supportive of that approach.

**Figure**  
**Austin Boards and Commissions interface with PDRD**



**Comment [MM[1]:** Sign review board listed twice, building and fire code listed twice

The Boards and Commissions may change when the reorganized government and City Council are in place. There has been some discussion about reducing the numbers or merging some of these. We would be supportive of that approach. ~~Possible mergers could be the Plumbing, Solar and Electrical Board.~~

**1. *Recommendation: Consider reducing the number of Boards and Commissions in the development process.***

Under the reorganization it is possible that membership could be increased to 11 members each. Generally we find this number to be too high for a well operated ~~edion~~ committee.

**2. *Recommendation: The size of membership on Boards and Commissions should be kept to 5 or 7 members each.***

All Boards and Commissions should undergo training when first appointed as well as an annual training up-date. Training should include clearly identifying the limits of authority.

**3. *Recommendation: All Board and Commission members should undergo training when first appointed as well as an annual training session.***

**B. POSITIVE FINDINGS**

- The City requires the Boards and Commissions to publish an Annual Report that summarizes the activities of the Board or Commission during the previous year.
- Boards and Commissions publish their By-Laws along with their Rules and Procedures on the City Web-site.

**C. BOARD OF ADJUSTMENT/SIGN REVIEW BOARD**

**Overview**

The BOA is authorized by Article 2, §2-1-111 of the City's Code of Ordinances. It is a seven-member (7) Board consisting of Members who serve two-year, staggered terms.

The BOA hears requests for zoning variance requirements, airport zoning regulations, certain signage regulations and special exceptions. The Board also hears and decides appeals on Administrative Use Decisions made by staff in the Current Planning Division.

Meetings are held on the second Monday of each month, at 5:30 pm. Special Meetings are also held to discuss administrative processes and other matters. A review of a sampling of these Special Meeting agendas revealed that the Law Dept. is currently drafting a BOA Guide Book, which is good.

We reviewed a sampling of the Agendas, which are posted online, and found that they contained special exception and signage variances, as well as a significant volume of variance requests. There were no Use Determination Appeals on the Agendas for the last several months, which staff indicated is the norm, as very few appeals are heard annually.

Agendas are full, however Staff indicated that special meetings are scheduled when deemed necessary to accommodate special projects and peaks in activity. Minutes are up-to-date and presented as a summary (e.g., motion, voting). They are posted online along with video recordings of meetings, both of which are consistent with best practice. The July 2014 Minutes provided a tally of all cases and decisions made to date, which is an excellent resource.

BOA Bylaws and procedural rules, meeting dates and schedules, and staff supporting the Board are posted online along with BOA member contact information, which is also a best practice.

The Chair of the Board does a good job in ensuring the meetings are run efficiently and in accordance with the established procedures and by-laws. The city provides staff support from the Planning and Development Review Department and City Attorney's Office.

### **Annual Internal Review Report**

An Annual Internal Review Report is prepared for the BOA that provides an overview of the Board's efforts and accomplishments in supporting/fulfilling its mission and charge, which is excellent. This report is posted online on the City's website.

### **Joint Study Sessions with City Council**

Interviewees indicated that the BOA does not meet jointly with City Council at regular intervals to ensure that the Council and BOA are in alignment and discuss and resolve policy issues. This will be particularly important with the new City Council under the reorganized government.

## **4. Recommendation: The Development Services Manager for the Current Planning Division should schedule bi-annual joint study session meetings between the BOA and the City Council.**

### **Process Issues**

Reviewing past agendas reveals that most meetings have a significant number of requests to postpone agenda items. These postponements are typically at the applicant's request in order to provide them with additional time to address either previous comments from Board members or comments that have been voiced by interested neighbors. However, in some cases items are postponed because staff failed to adhere to the minimum public noticing requirements established by the Code. These staff generated postponements can have a significant impact on applicants and other interested parties who have arranged

**Comment [MM[2]:** Instead of the Development Services Manager maybe the City Manager is the appropriate level

their schedules to attend the advertised meetings. The process to assure the proper noticing of public meetings needs to be closely monitored for compliance in order to avoid inconveniencing the public and undermining the City's credibility. [this particular meeting was an isolated event—the majority of notices for that meeting were late as a result of mail services staff error and not PDR staff error—there is no ongoing issue with notification].

Comment [MM[03]: Chris in DAC

- 5. Recommendation:** Staff assigned to support the Board of Adjustments/Sign Review Board should establish monitoring points to ensure that public notices are being properly processed. As part of this increase the supervision and training for this function.

### Training

We received feedback that additional specialized training is needed for new BOA members and that on-going training is needed for existing members, so that they more fully understand the various application processes under their purview and the scope of review associated with each.

*See our training recommendation under the Planning Commission and Zoning and Platting Commission heading, below.*

### Key Issues

The Chair of this Committee indicated that he was displeased with the level of staff support the Board was receiving. A review of recent Board agendas and viewing the video of one of their meeting indicated that many items of the agenda had to be postponed because they either failed to notify all of the required neighbors or they failed to get the notices out on time. In addition, there is no technical review of the applications by planning staff so frequently the applications have major deficiencies that the Board members feel they have to identify while performing a plan review during the open meeting. There is a general belief that the role of the Board is to ~~has become to~~ grant certain variances as a way to compensate for staff errors as a way to compensate for staff review errors regardless of whether the circumstances actually support granting a variance. The Chair also states that frequently the application fails to cover all of the items that the applicant will eventually need to have approved before they can build. This seems to be the antithesis of what the DAC was created to address. There appears to be very little filtering of applications by staff before they are allowed to go on the agenda.

- 6. Recommendation:** Require a review by technical staff and a staff report to accompany each application. Review should include review by other review staff in PDR in DAC to confirm the applicant has included all of the items they will need considered in their application.

Comment [MM[04]: Chris in DAC

- 7. Recommendation:** Increase the fee charged to accommodate the additional staff work.
- 8. Recommendation:** Consider reassigning the support for this Board to another group, perhaps Current Planning.

## **D. BUILDING AND FIRE CODE BOARD OF APPEALS**

### **Profile**

The Building and Fire Code Board of Appeals is charged with the responsibility to hear appeals filed in accordance with the Land Development Code and to decide appeals of orders, decisions or determinations made by the building official relating to the application and interpretations of the Building Code and Fire Code as adopted by the City. The Board consists of seven members qualified by experience and training to hear and decide issues related to enforcement of the Building and Fire Codes.

A review of previous agendas and meeting minutes indicated that a majority of scheduled meetings are canceled and those meetings that do occur seldom involve actual appeals. Instead, it appears the Board is primarily used as a sounding board to review proposed amendments to the Building and Fire Codes.

### **Process Issues**

A review of the Bylaws adopted by the Building and Fire Code Board of Appeals fails to indicate any minimum requirements for membership to the Board. The Ordinance adopting the Building and Fire Code Board of Appeals states that the members should be qualified by experience and training, this language is not included in the bylaws. The Bylaws also state that the Board will have no committees, however, the next section of the Bylaws states the process for creating committees. These inconsistencies should be addressed.

- 9. Recommendation:** The Bylaws for the Building and Fire Code Board of Appeals should be modified to include minimum qualifications for Board members.

A review of the Board's agendas for 2014 revealed that six (6) of the eight (8) scheduled meetings were cancelled and the agendas for the meetings that were held discussed reviewed future building code amendments and potential consolidation of Boards and Commissions. The adopting ordinance establishing the Building and Fire Code Board of Appeals does not include any language that would authorize the Board to review and provide recommendations to Council regarding the future adoption of building and fire code regulations.

- 10. Recommendation:** The Bylaws for the Building and Fire Code Board of Appeals should be modified to authorize the Board to advise the Council on adoption of building and fire code regulations.

**Comment [MM[5]:** The authority and responsibility of Boards and Commission including the Building and Fire Code Board of Appeals needs to be established by ordinance and not by the bylaws which are not approved by Council Wren

## E. DESIGN COMMISSION

### Overview

The seven-member Design Commission provides advisory recommendations to the City Council as requested to assist in developing public policy and to promote excellence in the design and development of the Austin's urban environment. As established in Section 2-1-129 of the City Code, its duties are advisory and educational. These include:

- Offering policy recommendations on specific issues of urban design.
- Participation in formulating the City's Urban Design Guidelines.
- Review certain projects as input to the Planning Commission or the Zoning and Platting Commission.
- Provide citizen education, solicit citizen participation, and coordinate with ~~PDR~~ PDR staff.

The Design Commission meets regularly each month, and the dates of all upcoming meetings are posted on the City's website. The Commission's bylaws and agendas are also posted. The website also includes the names, telephone numbers, and email addresses for each of the Design Commission's members. One PDR staff member has been assigned to assist the Commission and prepare information packets for Commission members before each meeting. All meetings are televised for cable TV use and streaming on the City's website.

The focus of the Design Commission has been primarily on public parks, infrastructure, and other public realm projects such as the Seton Teaching Hospital skybridge request that affected a City street right-of-way. As many or most of these projects do not directly involve zoning or LDC processes, the Commission's public meeting process provides the primary opportunity for individuals and citizen groups to offer comment on such projects.

The workload of the Design Commission is substantial. Monthly meetings usually run 2-1/2 hours or longer. In order to distribute its workload among members, the Committee normally assigns evaluations to three-person sub-groups to perform detailed analysis before presenting the results to the full Commission for final consideration.

At the end of each calendar year, the Design Commission prepares a work plan for the coming year. The December, 2013, work plan included the monitoring of emerging infrastructure projects, ongoing ~~PDRRD~~ neighborhood/small area planning projects, and individual plan proposals. It is also intending to update and consolidate the City's infrastructure design guidelines.

## Observations and Recommendations

This past year the office of the City Clerk established a "Boards and Commissions Transition Task Force" with the intent of finding ways to reduce the number boards and commissions in Austin from the current level of 60 to a more manageable number. Early recommendations included merging the functions of the Residential Design and Compatibility Commission (RDCC) with the Design Commission and increasing its membership from seven to eleven. The Chairman of the Design Commission has expressed the concern that future members might be appointed on the basis of political considerations rather than on their expertise and experience in design or other aspects of land development.

Since the early recommendations of the Board and Commission Transition Task Force has modified its recommendation, changing the reassignment of the RDCC's to the Planning Commission.

- 11. Recommendation: Consider increasing the Design Commission's number of members, but retain the current policy (as specified in Section 2-1-129 of the City Code) that Board members be selected on the basis of their design and development qualifications.**

**Comment [MM[6]:** Not consistent with previous comment about decreasing board members.

## F. ELECTRIC BOARD

### Profile

The Electric Board is charged with the responsibility to hear and decide appeals to orders, decisions, or determinations made by the building official to the application and interpretation of the Electrical Code. The Board is not authorized to waive requirements of the Electrical Code.

### Process Issues

A review of the on-line agendas and minutes indicate that more than half of the scheduled meeting are canceled and those meetings that did occur within the current fiscal year did not include any actual appeal hearings. The items on the agendas that were held dealt with potential consolidation of the Electric Board with other existing Boards and recommendations for future Electrical Code amendments. The Annual Internal Review report for 2013 indicated that no appeals were heard during that period, however, the Board did review and recommend approval of modifications to the Austin Energy Criteria Manual relating to the written process for coordinating review of electrical service plans between Commercial Plan Review and Austin energy. Given the general lack of appeal activity for this Board there should be serious consideration given to consolidating the Electric Board with the Building and Fire Board of Appeals.

**12. Recommendation: The Electrical Board should be consolidated with Building and Fire Code Board of Appeals.**

If the City does not pursue consolidation of the Mechanical, Plumbing and Solar Board with the Building and Fire Code Board of Appeals then the following recommendations should be implemented to enhance the effectiveness of the Board.

The ordinance establishing the Electric recommends that the membership include an active licensed master electrician or contractor, an active licensed journeyman electrician and an electrical engineer. We believe these qualifications should be mandatory in order to ensure that appropriate technical knowledge and trade experience is incorporated into every decision of the Board.

**13. Recommendation: The Ordinance establishing the Electric Board should be modified to make the existing recommended qualifications a mandatory requirement for Board appointment.**

A review of Electric Board agendas and minutes indicates that the Board is being consulted for the purpose of soliciting recommendations for adoption of future Electrical Code editions and local amendments. While we strongly endorse the concept of soliciting recommendations from industry experts prior to adopting new additions of the Electrical Code, current ordinance language does not indicate that this activity is within the scope of responsibilities of the Electric Board. In addition, the Board provided recommendations on modifications to the Austin Energy Criteria Manual for the purpose of better coordinating activities between PDRD and Austin Energy. Based on comments received from Department staff, there is a need to enhance the working relationship between these two agencies and therefore we support efforts to develop written procedures that encourage cooperation. However, that responsibility is not clearly identified in the language that established the Board.

**14. Recommendation: The ordinance establishing the Electric Board should be modified to expand the responsibilities of the Electric Board to include the act of recommending modifications to future Electrical Code adoptions and review of proposed modifications to the Austin Energy Criteria Manual.**

## **B. ENVIRONMENTAL BOARD**

We received feedback from some staff that the Watershed Protection Department (WPD) is charged with providing a staff liaison to the Environmental Board, rather than the Land Use Review Division staff. Some Land Use Review staff find this assignment confusing because Land Use Review Staff handle the majority of presentations to the EB.

We discussed this issue with senior level staff and found that the WPD was charged with supporting the EB because the Environmental Officer for the City is housed within the WPD. In addition, while staff confirmed that Land Use Review Staff (e.g., Site Plan



Review and Subdivision Review Staff) make the majority of the presentations to the WPD, it is because this Board is charged with hearing environmental variances and it is commonplace for site plans and subdivision applications to include an environmental variance as part of the application.

The Environmental Officer in WPD reviews environmental variance requests and makes recommendations whether to support the request or not. In addition, the WPD scientists (e.g., geologists, wetlands biologists, etc.) conduct site plan & subdivision reviews as needed. The Environmental Review staff from PDRD and WPD coordinate closely on environmental issues and hold weekly staff meetings together, which is good.

In addition to the environmental variance activity, the Environmental Board considers findings, studies and other matters handled by WPD, however, volumes are much lower. The rationale for WPD liaison support appears rationale and we are not recommending any changes at this time.

**Comment [Z57]:** not certain how this will relate to our recommendation to remove all external departments from plan review.

## G. HISTORIC LANDMARK COMMISSION

### Overview

The HLC is authorized by Article 2, §2-1-147 of the City's Code of Ordinances. It is a seven-member (7) Board consisting of residents that have knowledge of and experience in the architectural, archaeological, cultural, social, economic, ethnic, or political history of the City, and a demonstrated interest or competence in or knowledge of historic preservation. Members serve three-year, staggered terms. The HLC is a decision-making body for various historic application processes managed by the Current Planning Division.

More specifically, the HLC duties are "to prepare and periodically revise an inventory of the structures and areas that may be eligible for designation as historic landmarks. They also prepare, review and propose amendments to the Historic Landmark Preservation Plan and review requests to establish or remove a historic designation, make recommendations on the requests to the Land Use Commission." The Commission is charged with promoting historic preservation activities in City and reviewing heritage grant money, historic zoning cases and certificates of appropriateness and tax exemption applications for city landmarks. It is also charged with reviewing sign and building permit applications for historic districts.

Meetings are held once a month on the Fourth Monday, at 7pm in the Council Chambers (location currently moved due to Chambers remodeling).

We reviewed several Agendas that were posted online and they appear comprehensive. Agendas are very full consisting of numerous public hearing, National Register Historic District Permits, Demolition and Relocation items and other discussion items, Committee

Reports and New Business. The most recent Agendas included an average of 30 action items. Although the Agenda is extensive, the ~~HLCPC~~ appears to be fairly efficient, in that May and July meetings were adjourned between 10:30 pm and 11pm. Staff indicated that special meetings are scheduled when deemed necessary to accommodate special projects and we saw evidence of this online through posted minutes and agendas, which is good.

HLC Agendas, Bylaws and procedural rules, meeting dates and schedules, and staff supporting the Commission are posted online along with HLC member names and contact information, which is excellent and also a best practice. Minutes are posted online and available through July 14, 2014. Video recordings of proceedings are also posted online and available through July.

### **Annual Internal Review Report**

An Annual Internal Review Report is prepared for the HLC that provides an overview of the HLC's efforts and accomplishments in supporting/fulfilling its mission and charge, which is excellent. This report is posted online on the City's website.

### **Meeting Management**

We received feedback that HLC meetings can be lengthy and that meeting time limits are needed. We discussed this issue with interviewees and found that the HLC and staff attempt to actively manage agendas so that they are efficient, by placing items on consent and moving more routine items ahead of others, which is good. Interviewees indicated that because the meeting bylaws allow both the public and Commission members to remove items from the consent agenda for discussion, meeting proceedings are delayed at times.

### **Staff Presentations/Reports/Accessibility**

We reviewed a sampling of staff reports that were posted on line in recent agenda packets and found that they were succinct, standardized and provided sufficient analysis. In addition, professional recommendations are provided to the HLC, which is a best practice. Interviewees indicated that staff provides adequate presentations to allow for balanced decision-making.

However, we received feedback and also observed that staff has not been accessible over the last few months, which is may be attributable to recent turnover and position vacancies. Management staff indicated that they are actively working on filling vacant positions, which should improve staff accessibility.

***See our training recommendation under the Planning Commission and Zoning and Platting Commission heading, below.***

Interviewees also reported that the Historic Preservation Office database is not linked to or integrated with AMANDA Data base, which hinders research, review, permitting and inspection activities.

*See our recommendation under the “Technology” heading of this chapter regarding integration of databases into the AMANDA system.*

## **H. LAND DEVELOPMENT CODE ADVISORY GROUP (SEE CURRENT PLANNING CHAPTER)**

## **I. MECHANICAL, PLUMBING AND SOLAR BOARD**

### **Profile**

The Mechanical, Plumbing and Solar Board is responsible for hearing and deciding appeals of orders, or determinations made by the Building Official relating to the application and interpretation of the Mechanical, Plumbing and Solar Codes. The ordinance establishing the Board states that the members of the Board **should** include members who are qualified by experience and training to consider matters pertaining to the installation and design of mechanical, plumbing and solar systems. The Board may not waive a requirement of the Mechanical Code, Plumbing Code, or Solar Code.

### **Process Issues**

A review of the agendas and minutes for the meetings previously scheduled for 2014 indicated that no appeals have been heard during 2014 and several scheduled meetings had to be canceled due to lack of a quorum. Given the lack of activity for this Board there should be serious consideration given to consolidating this Board with the Building and Fire Board of Appeals.

### **15. Recommendation: The Mechanical, Plumbing and Solar Board should be consolidated with Building and Fire Code Board of Appeals.**

If the City does not pursue consolidation of the Mechanical, Plumbing and Solar Board with the Building and Fire Code Board of Appeals then the following recommendations should be implemented to enhance the effectiveness of the Board.

### **16. Recommendation: The Ordinance establishing the Mechanical, Plumbing and Solar Board should be modified to make the existing recommended qualifications a mandatory requirement for Board appointment.**

A review of the ordinance that established the Board does not include language that would authorize the Board to review and recommend the adoption of future Codes or amendments. This language should be included.

### **17. Recommendation: The ordinance establishing the Mechanical, Plumbing and Solar Board should be modified to expand the responsibilities of the Board to**

include the act of recommending modifications to future adoptions of the Mechanical, Plumbing and Solar Codes.

## J. PLANNING COMMISSION (PC) AND ZONING AND PLANNING COMMISSION (ZAP)

### Overview

According to staff, the PC was divided into two, separate Commissions (e.g., the Planning Commission and the Zoning and Platting Commission), a number of years ago, to help the City better manage the unwieldy PC agenda. These two Commissions' are referred to, interchangeably, as the "Land Use Commission," in the Land Development Code (e.g., Title 25).

Article 3, § 25-1-46 of the Land Development Code, outlines the purview of the ZAP and PC. The PC acts as "the Land Use Commission," on properties located wholly or partially within:

- The boundaries of a neighborhood plan that the council has adopted as a component of the comprehensive plan;
- The former Robert Mueller Municipal Airport site;
- A transit oriented development (TOD) district;
- The old Enfield neighborhood planning area; or
- The boundaries of a proposed neighborhood plan that the Planning Commission is considering as an amendment to the comprehensive plan.

The ZAP acts as the "Land Use Commission," on all other properties.

The PC is a ten-member (10) Commission that serves for two-year staggered terms. Only seven of the ten members are able to vote on items that require certain actions.

According to Article X, §4, the city manager, chairperson of the zoning board of adjustment, the director of public works and the president of the board of trustees of the Austin Independent School District serve as ex officio members. Two-thirds of the members must be lay members not directly or indirectly connected with real estate and land development.

Members consist of citizens of Austin who must be registered voters in the city and must have resided within the city for one year next preceding their appointment. The PC has a member number equal to the number of members on the council plus two (2) additional members. Given that the City recently increased City Council membership, the composition of the PC may also be expanded in the future.

The PC develops and amends the City's Comprehensive Plan, and is a recommendation body for zoning changes, land subdivision within neighborhood planning areas and other land use applications. It also reviews and annually submits, a list of recommended capital improvements to the Council, which is a best practice.

The ZAP is a seven-member board that serves for three-year staggered terms. The ZAP exercises control over the platting and subdivision of land within the corporate limits of the City and ETJ of the City to ensure their consistency with the adopted comprehensive plan. It also is a recommendation body for proposed zoning changes in certain locations.

It was suggested that City policies and regulations be amended to allow certain subdivision applications to be approved administratively by staff instead of by the ZAP and Council, because neither body has true discretionary review over subdivisions, since City regulations stipulates that subdivisions that meet code provisions must be approved, unless the applicant is requesting to deviate from code standards (e.g., variance or deviation). In those cases, the ZAP has discretionary review over the variance/deviation.

***See the "Process Issues" heading in the Land Use Review Chapter for recommendations concerning subdivision approvals.***

PC Meetings are held on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month (except November and December) at 6 p.m. ZAP Meetings are held on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of each month.

We reviewed numerous PC and ZAP Agendas that were posted online and they appear comprehensive. The number of PC Agenda items per meeting is extensive and averaged 29 for that last several Agendas and most meetings adjourned before 11pm. Staff indicated that special meetings may be scheduled when deemed necessary to accommodate special projects.

PC and ZAP Agendas, Annual Reviews, Bylaws and procedural rules, meeting dates and schedules and supporting staff are posted online along with PC and ZAP contact information, which is excellent and also a best practice. Summary minutes are posted and up-to-date, along with videos recordings.

### **Annual Internal Review Report**

Annual Internal Review Reports are prepared for the PC and ZAP, which provide an overview of each Commissions' efforts and accomplishments in supporting/fulfilling its mission and charge, which is excellent.

### **Joint Study Sessions with the City Council**

Our interviews indicated that the PC and ZAP decisions are largely aligned with Council philosophy, in that Council supports the majority of PC and ZAP recommendations.

However, it was felt that the PC could benefit by holding regular Joint Study Sessions with Council to discuss issues, policies and views, particularly in the area of neighborhood planning and zoning applications, which can generate significant debate among appointed and elected officials. This will be particularly important with the new City Council.

- 18. Recommendation:** The Development Services **Manager** of the Current Planning Division should schedule bi-annual joint study session meetings between the PC and the City Council.

**Comment [MM[8]:** City Manager may be the most appropriate level for this effort

#### **Sign-in at PC/ZAP Meetings**

Interviews indicated that the sign-in process for public comment and testimony occurs differently with the PC and ZAP Commissions, which has caused confusion for users, and slightly delayed meetings at times. The PC uses a comment card system, while the ZAP uses a sign-up sheet system.

- 19. Recommendation:** The PC and ZAP should use the same citizen comment sign-in system to promote simplicity and to avoid confusion.

#### **Staff Presentations/Reports**

We reviewed a sampling of staff reports that were posted on line in recent agenda packets and found that they were succinct and provided sufficient analysis. A template appears to be used for reports, which helps to ensure that the information conveyed to the P&Z is consistent, which is a good practice. In addition, professional recommendations are provided to the PC, which is a Best Practice.

#### **Staff Support/Accessibility**

Our interviews indicated that the staff supporting the PC function is very accessible and services were reported to be very good. However, at times, Commission members are unable to obtain answers to legal questions during meetings, either because representatives from the Legal Department are not present or do not have the background or experience needed to provide comprehensive answers, which can delay deliberations.

- 20. Recommendation:** The Development Services **Manager** for the Current Planning Division should determine when a particular item requires legal representation or other specialized technical staff (e.g., environmental) at the PC or ZAP and ensure that a qualified attorney from the City's Legal Department is in attendance to answer questions.

**Comment [MM[9]:** PDRD should work with LAW and other departments to provide appropriate staff for these meetings

#### **Training/Roles and Responsibilities**

In keeping with the City's commitment to its "Green" value comprehensive Training Modules and Workbooks are posted on the City's website, under the "board and

Commissions Information Center” tab, which is excellent. This system also allows the city to readily update training materials so that they are always current. Modules and Workbook materials cover budgeting, conflict resolution, ethics, Robert’s Rules of Order, roles and responsibilities, open meeting laws, etc. We reviewed Workbook documents posted online, but were unable to determine when the documents were last updated since materials were not dated.

**21. Recommendation: Workbook documents for Board, Commission and City Liaison training should contain revision date information, ~~to~~so ensure that users are provided with and are assured that they are studying current information.**

| In addition to the online Training Modules and Workbooks, ~~PDRPRD~~ and Law Department staff (e.g., comprehensive and current planning staff and managers) provide annual training to PC/ZAP members in a workshop, which is good.

However, despite the existence of the Training Modules and Workbooks and annual workshop training, staff and commission-member feedback that additional specialized training is needed for PC/ZAP members, as well as other land use related Boards and Commissions (e.g., BOA, HLC), so that they more fully understand the various application processes under their purview and the scope of review associated with each, in order to raise competency levels of land use-related boards and commissions and further improve meeting efficiency.

**22. Recommendation: The City should provide more specialized orientation training for new board and commission members, as well as on-going, quarterly training for all land use-related board and commission members to raise competency levels and further improve meeting efficiency.**

**K. RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION**

**Overview**

The RDCC was formed in 2008 in response to the provisions of the Austin Land Development Code, Chapter 25-2, Subchapter F. The intent of these provisions, as stated in the LDC is as follows:

"This Subchapter is intended to minimize the impact of new construction, remodeling, and additions to existing buildings on surrounding properties in residential neighborhoods by defining an acceptable buildable area for each lot within which new development may occur."

These provisions have been referred to widely and in a non-pejorative manner as the "McMansion Ordinance," and apply mainly to the development of "teardown" and infill housing units within established neighborhoods. To administer this, the regulations

**Comment [MM10]:** Previous Council dissolved this Commission in late 2014.

establish standards for a three-dimensional "tent-like" building envelope with yard and roof setback planes based on a specific lot's dimensions and the zoning district in which it is situated. Any proposed dwelling structure must fit within the established planes. There are additional provisions regarding side-wall articulation to minimize scale conflict with adjacent residential properties.

Under certain conditions, deviances from the building envelope and side wall articulation requirements are allowed. The RDCC may, after a public hearing, approve a modification if it determines that the proposed development is compatible in scale and bulk with the structures in the vicinity of the development. The RDCC is also responsible for the review of certain exterior modifications to historic landmarks or "contributing structures." The LDCC's decisions are considered final unless appealed to the City Council or as a variance with the Zoning Board of Adjustment.

The RDCC meets regularly each month, and the dates of all upcoming meetings are posted on the City's website. The Commission's bylaws, agendas and meeting minutes are also posted. The website also includes the names, telephone numbers, and email addresses for each of the LDCC's seven members. Two PDR staff members have been assigned to evaluate each month's submittals and prepare a recommendation packet for RDCC members before each meeting. All meetings are televised for cable TV use and streaming on the City's website.

### **Issues and Recommendations**

In the RDCC's 2013 Annual Report, the Commission reported that over the past four years, the group's caseload has dropped significantly as local architects and designers have become familiar with the provisions of RDCC Subchapter F. The report also observed that the ~~PDRD~~ staff was correctly administering the regulations and supporting the Commission in its work. The RDCC members voted unanimously to recommend that the organization be "sun-setted" and that its responsibilities be transferred to "an entity more suitable to serving the broader community of Austin neighborhoods." In short, creation of the RDCC had served its purpose. This position was reaffirmed in a statement prepared for the Commission's July 2, 2014 meeting.

Complicating matters, however, is that RDCC's existence is required under the provisions of the LDC Subchapter F. Elimination of the RDCC would require amending these provisions LDC, which is now under consideration as a part of the CodeTEXT examination. Since the LDC revisions/replacement process will require at least two years to be completed, this presents the question of whether to act now and revise the Section F. provisions or to wait until the full set of CodeNEXT revisions is put in place.

### **23. Recommendation: Revise the LDC Subchapter F provisions now to reassign the responsibilities of the RDCC to the Zoning Board of Adjustment.**



The RDCC has been made up of committed individuals that are qualified and experienced in dealing with local issues pertaining to building design, particularly as it applies to neighborhood compatibility. Over the years members have offered significant contributions to the commentary on compatible design, most recently focusing of issues such as the introduction of carports into front yards. The RDCC members have also been closely following the CodeNEXT analysis process. With the recommended elimination of the RDCC, the efforts of its members should be acknowledged and used.

**24. Recommendation: Encourage that individual RDCC members, if desired, be appointed to relevant Boards and Commissions. ~~the CodeNEXT Steering Committee, Planning Commission, Design Commission, or Zoning Board of Adjustment.~~**

## **L. Sign Review Board**

See the Board of Adjustment discussion. The Sign Review Board is the same as the Board of Adjustment with the addition of two members. .

## **M. WATERFRONT PLANNING AND ADVISORY BOARD**

The Waterfront Planning Advisory Board (WPAB) is authorized by §2-1-187 of the City's Code of Ordinances. It is a seven-member board appointed by City Council. The purpose of the board is to "provide recommendations to the council and city boards that assist in promoting excellence in design, development and protection of the City's waterfront; and help provide harmonious interaction and transition between urban development and the parkland and shoreline of Lady Bird Lake and the Colorado River." The WPAB provide recommendations on proposed development within the Waterfront Overlay (WO) combining district, as required under Section 25-2-715 of the Land Development Code and proposed amendments impacting the WO combining district.

It appears that this Board will be eliminated with functions transferred to the Planning Commission.

The WPAB also provided leadership on grant-funded and pro bono studies that focused on the challenges and opportunities in an area called the South Central Waterfront (comprised of the South Shore Central sub-district and three adjacent western parcels of the Travis Heights sub-district of the Waterfront Overlay Combining District Ordinance). Last summer, the City Council passed a resolution to initiate a comprehensive small-area planning process for this area.

Meetings are held on the 2<sup>nd</sup> Monday of each month at 6pm at City Hall. We reviewed several Agendas that were posted online and they appear adequate. Staff indicated that special meetings are scheduled when deemed necessary to accommodate special projects,

however agendas are moderate and projects are typically accommodated through the existing meeting schedule.

Agendas, Bylaws and procedural rules, meeting dates and schedules, posted online along with the staff that support the WPAB and member names and contact information, which is excellent and also a best practice. Minutes are posted online and available through August 2014.

### **Annual Internal Review Report**

An Annual Internal Review Report is prepared for the WPAB that provides an overview of their efforts and accomplishments in supporting/fulfilling its mission and charge, which is excellent. This report is posted online on the City's website.

### **Staff Support**

Our interviews indicated that the Commission is currently well served by the assigned staff liaison.

## **N. ZONING AND PLATTING COMMISSION (SEE PLANNING COMMISSION)**